IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 604(S/S)2007

Rais Ahmad S/o Sri Abdul Wahid,
R/o village Bhikkampur, Jeetpur,
Block and Tehsil Laksar,
District Haridwar. --------Petitioner.

Vs.

1. State of Uttarakhand, through its Secretary,
   Education, Dehradun,
2. Director Vidhyalayi Shiksha, Mayur Vihar, Dehradun,
3. Addl. Director Education, Garhwal Mandal,
   Pauri Garhwal,
4. District Education Officer, Haridwar,
5. Addl. District Education Officer, Haridwar,
6. Jai Narayan Mishra, Khand Shiksha Adhikari,
   Laksar, District Haridwar,
7. Km. Shalini D/o Sri Anil Kumar,
   R/o Bhurni Khatirpur, Block and Tehsil Laksar,
   District Haridwar. --------Respondents.

Sri Ajay Veer Pundir, learned Counsel for the petitioner and
Sri Paresh Tripathi, learned Standing Counsel for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Ajay Veer Pundir, learned Counsel for the petitioner and Sri Paresh Tripathi, learned counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari quashing the appointment of respondent no. 7 on the post of Shiksha Mitra in village Bhikkampur, Jeetpur, Laksar, District Haridwar,

ii. Issue a writ, order or direction in the nature of mandamus directing/commanding the respondents to appoint the petitioner on the post of Shiksha Mitra in the village Bhikkampur, Laksar, District Haridwar.

iii. Issue any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case be passed in favour of the petitioner,

iv. Cost of the petition be awarded in favour of the petitioner.

According to the petitioner, he is resident of village Bhikkampur, Jaitpur-Tehsil Laksar, District Haridwar and is domicile of State of Uttarakhand. Grievance of the petitioner is that the respondent has issued an advertisement regarding appointment on three posts of Shiksha Mitra in the village Panchyat. It is argued that according to the G.O. issued by respondent no. 2, it is directed that if on the post which is reserved for woman candidates only, in case qualified candidates are not available then male qualified candidates belonging to the concerned village Panchayat shall be considered, but the respondents have illegally appointed respondent no. 7 on the post, who is not holding B.Ed. Degree and belongs to other village Panchayat.

In this regard, raising all his grievances the petitioner has already moved representation before respondent no. 4 on 25th April 2006, which contains as annexure no. 6 to the writ petition. The petitioner has prayed that the respondent no. 4 may be directed to take decision on the representation of the petitioner within the period prescribed by the Court.

Accordingly, the District Education Officer, Haridwar/ respondent no. 4 is directed to take decision on the representation of the petitioner dated 25th April, 2006, annexure no. 6 to the writ petition, within a period of four weeks from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 3, 2007:

NCM: